

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOSEPH MONTALDO,

Plaintiff,

-against-

**Rule 26(f) Report**  
CV 21-1272 (JMA)(ARL)

THE COUNTY OF SUFFOLK.,

Defendant.

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Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on 8/17/2021 and was attended by:

Steven Moser, counsel for plaintiff(s)

Hope Senzer Gabor, counsel for defendant(s).

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. INITIAL DISCLOSURES

Have the parties agreed to make initial disclosures?

x Yes             No             The proceeding is exempt under Rule 26(a)(1)(B).

If yes, such initial disclosures shall be made by 9/13/2021.

2. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

       Yes      x        No

If yes, describe the issue:

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by       .

3. PARTIES AND PLEADINGS

a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by 9/13/2021.

b. If the case is a class action, the parties agree that the motion for class certification shall be filed by Not Applicable.

4. MOTIONS

Are there any pending motion(s)? \_\_\_\_ Yes X No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

5. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

Failure to Accommodate, Intentional Discrimination and Retaliation under the ADA and the NY Executive Law.  
There is a jury demand.

6. DISCOVERY PROCEDURES

a. The parties agree that all fact discovery shall be completed by 2/18/2022. The parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If, after having met and conferred, the parties are unable to reach an agreement on any matter related to discovery, they may seek the Court's assistance by letter motion pursuant to Local Rule 37.3 and in accordance with Judge Lindsay's Individual Rules.

b. Do the parties anticipate the production of ESI? X Yes \_\_\_\_ No  
If yes, describe the protocol for such production:

c. Do the parties intend to seek a confidentiality order or claw back agreement? <sup>1</sup> YES  
If yes, such order or agreement shall be filed with the Court by 9/13/2021.

7. DISPOSITIVE MOTIONS

Any party planning on making a dispositive motion must take the first step in the motion process by 3/15/2022.

8. EXPERT TESTIMONY

a. Primary expert reports must be produced by 3/15/2022.  
b. Rebuttal expert reports must be produced by 4/15/2022.  
c. All expert discovery shall be completed by 5/15/2022.

9. SETTLEMENT

Plaintiff(s) will make a settlement demand by 9/13/2021.

Defendant(s) will respond by 10/15/2021.

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<sup>1</sup> See attachment A.

The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year.

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

10. RULE 16 PRETRIAL CONFERENCE

Upon receipt of this Form the court will schedule a Rule 16 conference by telephone.

11. CONSENT TO MAGISTRATE JUDGE

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)

\_\_\_\_\_ Yes      X   No

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:

Date: 8/26/2021

DENNIS M. COHEN  
Suffolk County Attorney  
Attorney for the Defendant  
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DocuSigned by:

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BY: Hope Senzer Gabor

Assistant County Attorney

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Date: 8/31/2021

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DocuSigned by:

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